

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

U.S. SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

MARC S. SCHESSEL and
SCWORX CORP.,

Defendants.

2:22-cv-03287 (____)

**CONSENT MOTION FOR FINAL
JUDGMENT AS TO DEFENDANT SCWORX CORP.**

Plaintiff U.S. Securities and Exchange Commission (“SEC”), with the consent of Defendant SCWorx Corp. (“SCWorx”), hereby moves the Court for the entry of a proposed Final Judgment as to SCWorx, which is attached to this Motion as Exhibit 1. Also attached as Exhibit 2 is the Consent of SCWorx, in which SCWorx consents, without admitting or denying the allegations in the Complaint, to the entry of the proposed Final Judgment.

The proposed Final Judgment as to SCWorx, *inter alia*:

- (a) permanently restrains and enjoins SCWorx from violations of Section 10(b) of the Securities Exchange Act of 1934 (“Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5] and Section 17(a) of the Securities Act of 1933 (“Securities Act”) [15 U.S.C. § 77q(a)];

- (b) orders that SCWorx is liable for disgorgement of \$471,000, representing SCWorx's net profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$32,761.56. The payment of disgorgement and prejudgment interest shall be deemed satisfied by the transfer by SCWorx, no later than 30 days after the entry of the Class Distribution Order in the class action *Yannes v. SCWorx Corp., et al.*, 1:20-cv-03349 (S.D.N.Y.), of shares of SCWorx's common stock, valued at \$600,000 at the time of issuance to authorized claimants in the settlement, provided that the Class Distribution Order is entered within 365 days from the entry of this Final Judgment. If SCWorx does not transfer shares of its common stock, valued at \$600,000 at the time of issuance to authorized claimants in the class action settlement within 365 days from the entry of the proposed Final Judgment, SCWorx shall remit to the Commission the full amount of disgorgement and prejudgment interest within 395 days from the entry of this Final Judgment.
- (c) orders SCWorx to pay a civil penalty in the amount of \$125,000 pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d) of the Exchange Act [15 U.S.C. § 78u(d)].

The proposed Final Judgment is fair, reasonable, and in the public interest, and SCWorx has consented to its entry. Accordingly, the SEC respectfully requests that the Court enter the proposed Final Judgment for Defendant SCWorx.

Dated: May 31, 2022

Respectfully submitted,

/s/ James P. Connor

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CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2021, I filed a copy of the foregoing Consent Motion for Final Judgment, along with all exhibits, using this Court's CM/ECF system, as well as served a copy of the foregoing and all exhibits on the following counsel by email:

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